

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HERB CHAMBERS 1186, INC. d/b/a  
HERB CHAMBERS INFINITI OF BOSTON

Plaintiff

v.

DONALD A. SMITH, JR., PRESTIGE AUTO  
IMPORTS, INC. d/b/a WEBSTER AUTO SALES,  
and REZA PARINEJAD,

Defendants

Civil Action No. 13 Civ. \_\_\_\_\_

**DEFENDANTS' NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, the Defendants Prestige Auto Imports, Inc. d/b/a Webster Auto Sales and Reza Parinejad hereby remove to this Court the civil action captioned *Herb Chambers 1186, Inc. d/b/a Herb Chambers Infiniti of Boston v. Donald A. Smith, Jr., Prestige Auto Imports, Inc. d/b/a Webster Auto Sales, and Reza Parinejad*, Superior Court of the Commonwealth of Massachusetts, Suffolk County, Docket No. 12-1515-B (the "State Court Action"). As grounds for the removal, the Defendants state as follows:

1. On or about April 20, 2012, Plaintiff commenced this action by filing a Complaint in Suffolk Superior Court, Suffolk County, Boston, Massachusetts, Civil Action No. 12-1515B asserting claims only under Massachusetts law.
2. On or about July 2, 2013, Plaintiff filed an Amended Complaint adding additional claims. For the first time, Plaintiff asserted claims against the Defendants for alleged violations of federal law. Specifically, Plaintiff now alleges RICO violations under 18 U.S.C. § 1962 against the Defendants.

3. The United States District Court for the District of Massachusetts has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 as this action now arises under the Law of the United States because, as alleged in the First Amended Complaint, Plaintiff bases its claim for relief on the federal statutes and acts of Congress, specifically, 18 U.S.C. § 1962(a), 18 U.S.C. § 2312, 18 U.S.C. § 2314, 18 U.S.C. § 1028, 18 U.S.C. § 892, 18 U.S.C. § 893, 18 U.S.C. § 1341, 18 U.S.C. § 1951, 18 U.S.C. § 1952, 18 U.S.C. § 1957, 18 U.S.C. § 1961, 18 U.S.C. § 1962(b), (c), (d), and 18 U.S.C. § 1964(c).

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is filed within thirty days of service of the Amended Complaint, and the case stated by the initial Complaint was not removable. Plaintiff served the Amended Complaint upon the Defendants by first class mail on July 2, 2013.

5. As provided by 28 U.S.C. § 1441(c), because removal is sought on the basis of federal-question jurisdiction, the entire case may be removed and the United States District Court for the District of Massachusetts may determine all issues raised in the State Court Action.

6. Through counsel, Defendants Parinejad and Prestige Auto have consulted with Defendant Donald A. Smith, Jr. about this notice of removal and all Defendants have discussed such removal. After consultations and discussions between Defendants' counsel, Defendant Smith consented to this removal and all Defendants agree to removal of the action.

7. Venue in this District is proper under 28 U.S.C. § 1446(a) because the District of Massachusetts is the District within which the State Court Action is pending.

8. As required by 28 U.S.C. § 1446(a), attached as Exhibit A are copies of all the process, pleadings and orders that have been served upon the Defendants in the State Court Action.

WHEREFORE, Defendants Prestige Auto Imports, Inc. and Reza Parinejad, with Defendant Smith's consent, request that this action proceed in this Court as an action properly removed to its jurisdiction.

Respectfully submitted,

REZA PARINEJAD AND PRESTIGE AUTO  
IMPORTS, INC.,

By their attorney,

/s/ Daniel J. Pasquarello  
Daniel J. Pasquarello (BBO #647379)  
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Dated: July 29, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document on Ian J. Pinta, Esq., and Howard M. Cooper, Esq., by hand and sent copies by first-class mail to Stephen J. Gill, Esq., and Sylvia Kastenes, Esq., on this 29<sup>th</sup> day of July 2013.

/s/ Daniel J. Pasquarello  
Daniel J. Pasquarello